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ABSTRACT

Education for black children in the United States is still an education for slavery. Public education for the oppressed has one objective: to destroy the positive self-image of black children. The destruction of self-image is necessary to destroy motivation in black children. This makes the climate ripe for genocide. The core of the student rights issue is that students have a right to like themselves and to believe they are important. Destructive school policies, be they suspensions, corporal punishment, denial of freedom of expression, tracking, or an irrelevant curriculum all contribute to the denial of a student's confidence in his own worth. These and other practices of school systems around the country promote a disease among students and their parents which is called mindlessness. Mindlessness is a precursor to fascism and genocide. It promotes dependence on and acceptance of decision making by government officials, teachers, and schools, when, by all rights, decisions should be made by the people whom they will most affect. Student rights is basically a call for democracy within the schools. True democracy in the schools is essential if genocide is to be avoided, since schools are the first oppressors with which black children must deal. The first step in achieving an equal society is to teach children to recognize that school is an oppressor. The second is to educate the oppressed to their rights as human beings, and the third is to develop specific remedies for specific instances of oppressions. (Author/AM)

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No. 2 in a series

THE STUDENT RIGHTS ISSUE:

THE STRATEGY FOR THE PREVENTION OF GENOCIDE

A Position Paper Prepared for the Education Policy & Information Center

National Urban League, Inc.

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FOREWORD

The National Urban League's Education Policy Information Center (EPIC) presents the second in a series of Monographs designed to provide a major new forum for black educators and an authoritative black perspective on educational issues. In this Monograph, ""Strategy for Prevention of Genocide" by Dr. Arthur E. Thomas, Director of the Center for the Study of Student Citizenship, Rights and Responsibilities, in Dayton, Ohio sets forth the major student rights issues as they affect minority and poor students.

The first Monograph entitled "Survival--Phase II, Unity Without Uniformity," written by Dr. Bernard C. Watson, Professor and Chairman of Urban Education at Temple University, Philadelphia; argues that black educators must not be caught on the horns of a dilemma between community control and school integration, but that "unity without uniformity" among blacks is crucial to reforming American public education and overcoming its history of disservice to the black community.

The League's Education Policy and Information Center (EPIC) was established January, 1972, to keep black people abreast of trends in education policy-making, and to initiate change in complex national educational processes by studying pending legislation and current programs affecting public education in urban ghettos.

The opinions expressed in the Monographs are those of the authors and do not necessarily reflect the policies or the position of the National Urban League.

--Ermon O. Hogan, Ph.D.
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If the abstract word "failure" had color and depth, it would be the picture of a young Black man standing outside a local high school at third period. He's the young man who sits impassively through hours of meaningless instruction, ducking out occasionally to smoke in the washroom or to pop some of the pills that are readily available. He may not be able to articulate it, but he has absorbed the condition of failure. There is nothing to look forward to, nothing waiting outside. And so he stands, waiting for a future that will never come . . . .[1]

Failure is so much a part of today's school systems that it could be listed as part of the curriculum. But the tragic irony is that while "failing" to educate the children of the oppressed, schools are "succeeding" in their function. Schools were designed to transmit the cultural heritage of a society. The cultural heritage in this society is one of racism and caste. Schools permit racism to become more entrenched by destroying Black or poor children.

Education for Black children in this country is still an education for slavery. Its objectives have not changed since a Virginia legislator commented after the Nat Turner Revolt, "We have, as far as possible, closed every avenue by which light might enter their minds. If you could extinguish the capacity to

see the light, our work would be completed; they would be on the level with the beasts of the field, and we should be safe."[2]

Public education for the oppressed has but one objective: To destroy the positive self-image of Black children. Destruction of positive self-image prevents Black children from learning, thus keeping them from competing with white men's children for jobs. The destruction of self-image is necessary to deny Black and oppressed children the opportunity to share in the technological advances that will change the face of this country in a few years. The destruction of self-image is necessary to destroy motivation in Black children, to make them frustrated. It makes the climate ripe for genocide.

This is the core of the student rights issue: Students have a right to like themselves and to believe they are important. Destructive school policies, be they suspensions, corporal punishment, denial of freedom of expression, tracking, or irrelevant curriculum, all contribute to the denial of a student's confidence in his own worth.

Destruction of self-image affects student academic performance. Students who do not like themselves fail. And this failure fuels racist beliefs that one class or race might indeed be genetically inferior, or culturally "disadvantaged" beyond help.

Arthur Jensen, a white "scientist" claimed in 1969 that Black children start out 15 IQ points behind white children. Jensen attributed this fact to an inferior gene pool.[3] Psychotherapist Dr. Arnold A. Hutschnecker[4] suggested in 1970 that all six-year old children should be tested for criminal tendencies. Those who

showed criminal leanings should be placed in special camps where Pavlovian techniques could be used to make them good citizens, Hutschnecker said. An official of the Head Start program has suggested that some children's environments are so destructive that they should be taken from their parents at age six months to compensate for the "disadvantage" of being born Black or poor.[5]

It is no accident that these charges of genetic and cultural inferiority use the children of the oppressed as their proof. Children are most susceptible to manipulation, and many children at very early ages are told by the school system that they are stupid and cannot be trusted. When children prove with their own lives that feelings of inferiority prevent learning, racists pounce on their failure as proof of either genetic or cultural inferiority.

The trap is set for Black and poor children. The trap is hinged by school practices that destroy a child's belief in himself, and which promote unquestioned acceptance of school autocracy.

These tactics will not change with wide-scale integration of students, just as they have not changed with integration of professional staff.[6] The methods may become more subtle with integration, but they will be just as real in their result. Some of the tactics are already in operation.

* Suspensions and expulsions. The right to an education is recognized by the U.S. Supreme Court, with its major pronouncement on the subject found in Brown v. Board of Education of Topeka.[7] If education is a right, no one should be able to take it away. .

At the least, the person deprived of the right is entitled to due process of law before his right is denied.[8] But the laws of most states allow children to be excluded from school without any prior due process hearing.[9] The effect is that children are expelled or suspended from school at the whim of administrators.

Suspensions often are matters of administrative convenience. There were 4000 suspensions in the school year 1970-71 in the Dayton, Ohio school district, which enrolls 53,000 students. This incredible total suggests that suspensions are used as first resorts rather than last resorts, a practice which is contrary to Dayton's own administrative guidelines. Administrators tend to suspend students -- deny them their rights to education -- when they tire of trying to deal with the students' special problems. Some administrators tire easily.

Some of the reasons given for suspensions reveal the possibility that the decision to suspend a child is based on factors other than the child's behavior. Students in Dayton from January, 1972 to May, 1972 were suspended for such infractions of the rules as "wearing a jacket, fighting, cussing, pointing finger at principal, hanging with the wrong crowd, watching a fire, not having a hall permit, insolence, card playing, and class cutting."[10]

Thus, the power to suspend without due process can be a tool of discrimination in the hands of racist or malicious administrators. The incidence of suspensions has already led many Black students in predominantly white high schools to believe that rules are administered fairly to one race and not to the other.[11]

Due process is generally denied to suspended students, even those who are faced with more serious charges like assault of another child or teacher. The student is not allowed to present his side of the story. He is not allowed to face his accusers, nor is he allowed to bring witnesses of his own to corroborate his testimony. He is not allowed to question the teacher or student bringing charges against him. It is possible, in today's school systems, for a child or a teacher to go to the principal in secret present a charge, and have a student suspended without question.

This is a perversion of the right to due process, and it seriously hampers the student's ability to live in a so-called democratic society. A student cannot learn to respect the rights of others if his own rights are blatantly violated every day. This lack of basic trust promotes "unthinking obedience" in school. At the worst, it fosters a frustration that may lead to violence.

* Corporal punishment. State laws in seven states make it perfectly legal for a teacher to assault a child.[12] The common law of 42 states allows teachers to hit pupils by means of the concept of in loco parentis, meaning the teacher takes the place of the parent and possesses parental authority over the pupil. It matters little to the law if the child is Black and the teacher is a white racist. In fact, a study shows that school authorities administer discipline harshly and sometimes unfairly with poor children, but are lenient with the children of wealthy parents.[13]

Corporal punishment is another matter of administrative convenience. Because it is virtually unregulated, it is also a tool of racism. Paddling is used when a teacher fails to teach or administer

a just and humane discipline. Corporal punishment can be physically harmful when it is administered harshly. A recent study by the National Education Association (NEA) found that corporal punishment also is psychologically harmful. According to the NEA, "physical punishment hindered learning" and "may increase disruptive behavior."[14] The NEA taskforce found that corporal punishment was the result of poor working conditions for teachers -- in other words, physical punishment was used when a teacher couldn't perform his own duties adequately.

There is no law which prevents teachers and administrators (and in Ohio even school bus drivers) from using corporal punishment in anger or as a tool of discrimination.

The threat of physical violence against students with the intention of educating them is absurd. The only thing corporal punishment teaches students is that it is acceptable for big people to beat up little people, but wrong for little people to fight back.

* Denial of Freedom of Expression. The case of Tinker v. Des Moines School District,[15] decided by the U.S. Supreme Court in 1969, established the principle that students in secondary schools do possess constitutional rights, and may freely exercise them unless it can be shown that their conduct would materially and substantially interfere with the learning process. But this principal of constitutional law is violated in practically every school in the nation. Students may not invite speakers to their classes without administrative approval, their newspapers are censored, and they are not allowed to distribute pamphlets or other literature.

This particular denial of constitutional rights adds to the discrimination already perpetrated against oppressed students. Access to information is the greatest determinant of discrimination. The type of information students receive, and who provides it, has a major effect on the students' abilities to make their own decisions, and to hold the school system accountable for its actions. It is therefore to the school system's advantage to keep students ignorant. This it does by controlling the information students receive.

* Tracking. Tracking is a complicated process by which children of the poor and the oppressed are conditioned to accept the types of menial jobs which the power structure believes they should fill. The process begins with the testing of students using racist IQ tests, many of them based on the Bellevue Intelligence Scale. (The framers of the Bellevue Scale explicitly state that the test should not be used on minority group children). The results of racist IQ tests are passed on to the teachers, who in turn place Black and poor children in "slow" groups. Teachers expect less of these children, and the children in turn produce less.

Then "realistic" school counselors, seeing the poor grades, tell Black and poor children that they are not intelligent enough to take the college preparatory course, or that their parents do not have enough money to send them to college. Many schools have a "general course" in which many of these students are placed.

General courses offer no specialized or marketable skills. They are essentially dumping grounds for problem (i.e. Black) children. Children who take these courses are prime candidates for the welfare rolls, the dope dens, or San Quentin.

The tragedy is that, after years of conditioning, children have so little confidence in themselves that they choose the course that counselors tell them is "easy."

Even if the school does not designate "general" or "college prep" courses, black and poor students still are placed in general mathematics and "C-level English." Although a school may have little effect on the type of job a student eventually gets, it does have a great effect on the job a student feels he can do. Tracking perpetuates poor motivation among Black students.

(The whole question of designating students as "slow" or "bright" is largely a matter of whether the school system is atrocious or just merely bad.

Vasili Davydov of the Moscow Institute of Psychology has written:

> Man, under average conditions of work and life, uses only a small part of his thinking equipment. If we were able to force our brains to work at only one-half its capacity, we could, without any difficulty whatever, learn 40 languages, memorize the large Soviet Encyclopedia from cover to cover, and complete the required courses of a dozen colleges. 17

It is noted that most children, no matter what their IQ scores, learn the hardest task man must master -- to speak -- by age five.

"Bright" and "slow" are terms, therefore, that are used to measure only a miniscule part of human potential. Not only the "slow" pupil but the "bright" ones as well are being cheated.)

These and other practices of school systems around the country promote a disease among students and their parents which could be called "mindlessness". Mindlessness is a precursor to facism and genocide. It promotes dependence on and acceptance of decision-

making by government officials, teachers, and schools, when by all rights decisions should be made by the people whom they will most affect.

Student rights is basically a call for democracy within schools. Democracy demands an informed populace, and student rights calls for real, and not doctored, information for students. Democracy demands freedom to choose, and student rights demands student participation in writing the rules students must obey. School prepares children to live in an autocracy much like the one it has fashioned for itself. Student rights demands democracy in schools as well as the society.

As Ermon O. Hogan has written,

> Although our schools have provided a quasi-common heritage, they have not provided a common experience out of which youth could learn to develop the responsibilities of freedom, to respect universal equality, and to acquire the skills necessary to guarantee prosperity through the years to come. 18

This failing is tolerated in school systems, it must be assumed, because schools, and the society which spawned them, do not want to achieve democracy.

But true democracy is essential if genocide is to be avoided. In the near future, our children will be faced with decisions about the ethics of human transplants. They will have to live in submarine or moon communities. They must make decisions on whether to limit personality control. All these decisions carry with them the prospect of genocide. How will our children be able to make these crucial determinations when schools have prevented them from even learning how to read properly?

Schools are the first oppressors with which Black children must deal. And schools <u>are</u> oppressors. There is very little difference between a school's oppression of children and the colonizer's oppression of the colonized as outlined by Frantz Fanon.[19]

There is little difference between the school's oppression of children and the slum landlords' oppression of tenants as outlined by Whitney Young.[20] The enemy is the same -- it is the same white racism that permeates all these relationships. The first step in achieving an equal society, then, is to teach children to recognize that first oppressor.

The second is to educate the oppressed to their rights as human beings, and the third is to develop specific remedies for specific instances of oppression.

Educating the oppressed. No program for change and liberation can be successful, truly successful, unless the people (in this instance, the children) are involved from the beginning. As Brazilian educator Paulo Freire puts it, a revolutionary movement (even among children) cannot be started from the top by those in power (adults) and then presented to the people for their approval. It must come from them and they must see it to its conclusion.

The most powerful guardians of children's freedoms are the children themselves. Only the children and their parents, armed with information provided by concerned educators and lawyers, can hold teachers, administrators and the racist school systems accountable for their actions on a day-to-day basis.

It does little good to right specific wrongs within the school system by instituting new teaching methods or eliminating destructive practices. Unless the people -- children and their parents -- are truly informed, racism will not end . . . . schools will only find more subtle methods to practice it. Therefore, the children and their parents must be taught about the law as it applies to their situation in school.

They must learn to apply their knowledge of law to constantly changing situations.

There are a number of ways to do this: The most far-reaching and effective method would be use of the mass media. The media, long used to promote the kind of mindlessness among citizens that is so dangerous, must be used to free the people. Cable and commercial television, records, films, and printed materials must be produced to inform the people of government programs, student rights, and the Constitution itself.

Children have shown their capacity to understand complicated legal concepts: The Student Rights Center printed a Student Rights Handbook for Dayton, Ohio last summer and has distributed 25,000 copies in the Dayton area.[21] As a result, students have quoted the Ohio Revised Code verbatim to teachers and administrators who appeared to be in violation of it.

A comic book[22] dealing with juvenile rights was published in March, 1972. Attempting to reach students who have trouble reading, the book outlined in humorous pictures and dialogue the procedures to follow if arrested. Because of it, a number of students have thought about their relationship to the law. They know what to do if they are arrested.

Parents, given the opportunity to read the law for themselves, have been able to defend their children in the face of calculated attacks by degreed teachers and administrators.

The power structure modifies its behavior when it suspects that the people are beginning to understand the game it is playing.

The modification often is beneficial to the oppressed. But, more importantly, knowledge of student rights in this area has inspired a confidence among the students and their parents which will allow them to meet the challenge of the next game the school system plays.

This transformation has taken place without expenditure of huge amounts of money. It has used only the media that was readily available. The use of wider-ranging media would multiply these beneficial effects. Television programs on a national scale dedicated to informing citizens about their rights could change the whole face of government programs, courts, schools. Records made by prominent artists can strengthen the message of self-worth to children. Books and magazines can provide the detailed information needed to truly challenge the autocratic system that is the school.

Such information not only changes the administrators' and teachers' behavior toward students, but it affects the students' behavior also. When students realize that other students must deal with the same problems, they stop fighting each other and start fighting the real enemy -- racism and class consciousness in schools.

Specific remedies. Once students are informed, they can make their own suggestions for change. Two groups of students in Dayton recently studied the issues of discipline[23] and curriculum[24] respectively. Their recommendations constitute a model code for student rights that can be applied nationally.

The students proposed:

1. Students have the right to exercise all rights enumerated by the United States Constitution, the Bill of Rights, and all amendments, as well as rights defined by the United States Supreme Court.

2. Students have the right to an education

3. A student's right to an education must not be taken away without due process of law. Due process demands:

-- a fair hearing

-- assumption of innocence until proven guilty

-- right to bring witnesses to any hearing

-- right to cross examine opposing witnesses

-- right to engage legal counsel

-- right to appeal

4. Students have the right to be judged by a jury of their peers. This necessitates the forming of student courts in schools. Students chosen for student court must not be subjected to a "weeding out" process based on grades and behavior.

5. Students have the right to see their personal files.

6. Students have the right to publish material without prior censorship. The laws covering libel and pornography should apply to student publications. The bounds of "good taste" should be determined by the readers, as they are in commercial media.

7. Students have the right to hear speakers without the approval of the school administration.

8. Students have the right to wear political buttons, and armbands, and distribute leaflets as long as the activity does not materially and substantially interfere with the learning process.

9. Students have a right to be free of the threat of physical abuse. Therefore, corporal punishment must be abolished.

10. Students have the right to determine their own representatives through free and fair elections. There should be no arbitrary grade

requirements and there should be no faculty screening of candidates. All students have the right to vote.

11. All curriculum placement on the basis of sex or race must be eliminated.

12. All textbooks and learning materials must be purged of racial, sexual, or class bias.

13. Students must sit on curriculum committees with full voting privileges. They must have a say on teacher tenure and evaluate teacher performance yearly.

This model code, if adopted, would not only curb abuses currently operating in the school prison system, but would plant the seed of an idea among the society as a whole: The idea that students are capable of governing themselves.

School systems presently function with the assumption that children must be controlled in order to learn. Schools place children on the level of animals who must be trained to "obey" rather than think for themselves.

Anthropologist Margaret Mead believes that this society is moving toward a pre-figurative culture in which the old will learn from the young.[25] Schools, however, are afraid to take the risk of allowing students to teach themselves and their elders. Schools fear disruption, they say.

But the Supreme Court has said,

> In our system, undifferentiated fear of apprehension or disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom, or on campus that deviates from the view of another person may start an argument or cause a disturbance.

> But our Constitution says we must take this risk . . . and our history says that it is this sort of hazardous freedom -- this kind of openness -- that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in a relatively permissive, often disputatious society.26

The belief behind student rights is that students -- once freed from the methods used by school systems that destroy their self-image -- will be able to contribute to the equalizing of society as a whole.

It is imperative, then, to allow students to be the major decision-makers when it comes to their own lives. No student rights movement can succeed unless they direct it.

. . . And student rights must become a reality if genocide is to be averted in society. Schools teach self-hatred to Black and poor children while teaching superiority to white middle class children. Schools uphold racism within their walls and bolster it in the society at large. Only informed students, educated with factual information, and backed by concerned parents and teachers, can teach the society and the rest of the world what a true democracy is.

FOOTNOTES

The author thanks Student Rights Center staff researcher Carol Towarnicky for assistance in the writing of this paper.

1. Arthur E. Thomas, "The Right to Be Somebody," testimony before the Congressional Black Caucus Conference on Education for Blacks, The Congressional Record, April 18, 1972, p. 3911.

2. Quoted in testimony by Kenneth W. Haskins before the Select Senate Committee on Equal Educational Opportunity, July 27, 1971. (Washington, D.C.: U.S. Government Printing Office Document 59-411), p. 5866.

3. U.S. News and World Report, March 10, 1969, p. 49, quoted in The Choice: The Issue of Black Survival in America, by Samuel F. Yette. (New York: G.P. Putnam's Sons, 1971), p. 249.

4. Robert C. Maynard, Washington Post, April 5, 1970, p. 1, quoted in The Choice, p. 255.

5. William Labov, "Academin Ignorance and Black Intelligence", Atlantic Monthly, June, 1972, p. 59.

6. Arthur E. Thomas and Carol Towarnicky, "Of Scapegoats and Other Healthy Animals," a special section of Rap Magazine, Dayton, Ohio, December, 1971. Interviews with teachers following a 70 per cent white, 30 per cent Black staff integration of Dayton schools revealed that white teachers could not handle discipline in schools. They appeared to be afraid of their students. Some white teachers showed a critical lack of concern for Black students. One white teacher called a young Black man "boy" because she didn't know his name.

7. 347 U.S. 483, 493 74 S.Ct. 686, 691 (1954).

   "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right (emphasis mine) which must be made available to all on equal terms."

8. Procedural due process generally includes the following elements: notice of charges in time to prepare a defense; the right to call witnesses, friendly and unfriendly, and to cross-examine them, and the right to have the case heard by an impartial tribunal. Criminal due process requires more: here we are concerned with administrative due process.

9. For example, see Sec. 3316.66, Ohio Revised Code

10. Center for the Study of Student Citizenship, Rights, and Responsibilities, "Progress Report IV", April, 1972, p.8.

11. Arthur E. Thomas and Carol Towarnicky, op.cit.

12. Nat Hentoff, ACLU News, November, 1971.

13. Hollingshead, Elmstown's Youth.

14. Dayton Daily News, June 29, 1971, p. 55.

15. 393 U.S. 503 (1969)

16. Carol Towarnicky, edit., "What we Study and Why," a special section of Rap Magazine, Dayton, Ohio, April, 1972.

17. Frank Groble, The Third Force: The Psychology of Abraham Maslow, (New York: Grossman Publishing, 1970).

18. Ermon O. Hogan, "Racism in Education, A Barrier to Quality Education", Racial Crisis in American Education, edit. by Robert L. Green (Follett Educational Corporation, 1969), p. 149.

19. Frantz Fanon, The Wretched of the Earth, (New York: Grove Press, Inc., 1968).

20. Whitney M. Young, Jr., To Be Equal, (New York: McGraw-Hill Book Company, 1964), p. 162.

21. Center for the Study of Student Citizenship, Rights, and Responsibilities, Student Rights Handbook for Dayton, Ohio, August, 1971.

22. Carol Towarnicky, edit., "Juvenile Rights in Ohio," a special section of Rap Magazine, March, 1972.

23. Dan Geringer, "Three Nights in Dayton," a special section of Rap Magazine, October, 1971.

24. Carol Towarnicky,"What We Study and Why"

25. Margaret Mead, Culture and Commitment: A study of the Generation Gap, (New York Natural History Press, Doubleday and Co., Inc., 1970), p. 1.

26. Nat Hentoff, "Why Students Want Their Constitutional Rights," The Saturday Review, May 22, 1971